

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1992.03
COMPLAINT INVESTIGATOR:	Connie Rahe
DATE OF COMPLAINT:	January 21, 2003
DATE OF REPORT:	February 14, 2003
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	April 11, 2003

COMPLAINT ISSUES:

Whether the North Montgomery Community School Corporation and the West Central Indiana Special Services Cooperative violated:

511 IAC 7-27-7(a) by failing to implement the student's individualized education program (IEP) as written, specifically, by not implementing identified modifications and accommodations.

511 IAC 7-17-72 and 511 IAC 7-27-7(b) by failing to inform each teacher and provider of his or her specific responsibilities related to implementing the student's IEP, and by failing to monitor the IEP's implementation.

511 IAC 7-28-4(d) by failing to provide written notice to the student and the parents of the transfer of rights at eighteen years of age at a case conference committee (CCC) meeting no later than the student's seventeenth birthday, and failing to include a statement in the student's IEP that the aforementioned notice has been provided.

FINDINGS OF FACT:

1. The Student is seventeen years old, attends the local high school (the School), and qualifies for special education and related services under the category of learning disability (LD).
2. The Student's IEP includes accommodations for extra time for "tests, quizzes, and assignments." The Student's teachers of service (TOS) have all provided statements that the TOR informed them of the Student's IEP modifications and accommodations and provided copies of the IEPs for each TOS. In addition, the TOR met with the Student's teachers periodically to monitor IEP implementation.
3. One class teacher (the Teacher) has stated that the TOR provided the same information regarding the accommodation of extra time to complete assignments in the Student's IEP, but the Teacher differentiated between in-class assignments and homework when providing additional time. The Teacher refused to allow the Student to turn in homework assignments during class after classmates' assignments had initially been collected. The Student received a zero score, no credit, for an assignment turned in during the class after the Student had asked a question to clarify the homework assignment, and after the assignments had been collected for other class members. The Teacher signed the Student's paper, "Late, No Exceptions." The Student did not turn in other assignments that could not be completed prior to the start of the Class, denying the Student the opportunity to seek clarification by the Teacher in order to complete assignments. The Student has no zero scores for homework assignments in other classes, and all other teachers have

provided statements that they allow extra time to complete assignments. The Student's IEP provides for the accommodation of preferential seating away from distractions and disturbing situations. The Teacher assigned the Student to a seat in the back of the Class. The Complainant asserts that the Student was distracted in that location. The IEP did not clearly state a location that would not be distracting.

4. At the October 3, 2002, CCC meeting prior to the student's seventeenth birthday, the School did not include a statement in the student's IEP that the Student and the parents had been informed of the transfer of rights at eighteen years of age.

CONCLUSIONS:

1. Findings of Fact #2 and #3 indicate that the Teacher did not allow the Student the IEP accommodation of extra time to complete assignments. Therefore, a violation of 511 IAC 7-27-7(a) is found for failing to implement the student's IEP as written. Findings of fact #3 indicates the IEP did not clarify where the Student should be seated in order to receive preferential seating. Therefore, no violation is found for failing to provide preferential seating, but the student's IEP requires clarification on this issue.
2. Findings of fact #2 indicates that the TOR did inform each teacher of his or her specific responsibilities related to implementing the student's IEP and did monitor the implementation of the IEP. Therefore, no violation of 511 IAC 7-17-72 and 511 IAC 7-27-7(b) is found.
3. Findings of fact #4 indicates that the School did not include a statement in the student's IEP that the Student and the parents had been informed of the transfer of rights at eighteen years of age. Therefore, a violation of 511 IAC 7-28-4(d) is found.

CORRECTIVE ACTION:

The Department of Education, Division of Exceptional Learners requires the following corrective action based on the Findings of Fact and Conclusions listed above:

The North Montgomery Community School Corporation and the West Central Indiana Special Services Cooperative shall:

1. Convene a CCC meeting to review and revise the student's last agreed upon IEP with specific accommodations and modifications. The CCC will determine how services will be provided for the Student to assist in receiving academic support in order to complete the assignments for the class that were not accommodated according to the IEP. The CCC report shall document the discussion and determination regarding supportive services agreed to in the CCC. A copy of the IEP shall be forwarded to the Division by March 14, 2003.
2. A memorandum shall be circulated to general education staff at all high schools informing them of the requirements under 511 IAC 7-27-7(a) to implement the student's IEP, as written, and to seek clarification of any IEP requirements from the student's TOR. A copy of the memorandum and an assurance statement, signed by the director and each high school principal, stating that all teachers have reviewed the memorandum, shall be forwarded to the Division no later than March 3, 2003.
3. The Teacher shall sign agreement to implement all students' IEPs, as written, and to seek clarification of any IEP requirements from the assigned teachers of record. A copy of the signed assurance statement shall be forwarded to the Division no later than March 3, 2003.

4. A memorandum shall be circulated to special education staff at all district high schools informing them of the requirements under 511 IAC 7-28-4(d) to provide written notice to the student and the parents of the transfer of rights at eighteen years of age at a CCC meeting no later than the student's seventeenth birthday, and to include a statement in the student's IEP that the aforementioned notice has been provided. The memorandum shall be forwarded to the Division no later than March 3, 2003.